

**State of California
AIR RESOURCES BOARD**

EXECUTIVE ORDER G-08-045

**Relating to Certification of Portable Fuel Containers, Spouts or Portable
Fuel Containers and Spouts**

Midwest Can Company

**Petroleum Product Portable Fuel Containers (PFC): 6.0-gallons,
5.0-gallons, 2.0-gallon 8-ounces, and 1.0-gallon 4-ounces for gasoline;
5.0-gallons for diesel fuel; 2.0-gallon 8-ounces, and 5.0-gallons for
kerosene all with model number 4230 spouts**

WHEREAS, the California Air Resources Board (ARB) has established, pursuant to California Health and Safety Code sections 39600, 39601, 43013, 43018 and 43101, criteria for obtaining certification of a PFC, spout, or a PFC and spout in "CP-501, Certification Procedure for Portable Fuel Containers and Spill-Proof Spouts," adopted July 26, 2006, incorporated by reference into title 13, California Code of Regulations, sections 2467.2 and 2467.8;

WHEREAS, "CP-501, Certification Procedure for Portable Fuel Containers and Spill-Proof Spouts," adopted July 26, 2006, (hereinafter "Certification Procedure") incorporated by reference into title 13, California Code of Regulations, sections 2467.2 and 2467.8, requires that an application for certification include the results for each test specified in ARB's Test Procedure TP-501, Test Procedure for Determining Integrity of Spill-Proof Spouts and Spill-Proof Systems (July 26, 2006), and ARB Test Procedure TP-502, Test Procedure for Determining Diurnal Emissions from Portable Fuel Containers (July 26, 2006);

WHEREAS, section 1, of the Certification Procedure provides that an Executive Order will only be issued for a PFC, spout, or both PFC, or both PCC, and spout that demonstrates compliance with all applicable certification requirements;

WHEREAS, section 3, of the Certification Procedure requires an applicant to submit specified information in its application for certification;

WHEREAS, section 5, of the Certification Procedure provides that ARB Executive Officer shall evaluate each application for certification of a spill-proof system or spill-proof spout, to determine if the spill-proof system or spill-proof spout complies with the criteria for issuance of an executive order;

WHEREAS, Midwest Can Company has submitted an application for certification of the following products to be sold under the brand name Midwest Can Company:

Petroleum Product PFC:

6.0-gallons capacity gasoline container (Model Number 6600)
5.0-gallons capacity gasoline container (Model Number 5600)
5.0-gallons capacity Metal gasoline container (Model number 5800)
2.0-gallon 8-ounces capacity gasoline container (Model Number 2300)
1.0-gallon 4-ounces capacity gasoline container (Model Number 1200)
5.0-gallons capacity diesel fuel container (Model Number 8600)
2.0-gallon 8-ounces capacity kerosene container (Model Number 2300)
and, 5.0-gallons capacity kerosene container (Model Number 7600)
each with Model Number 4230 spouts: (hereinafter referred to as
"Portable Fuel Container system" or "PFC");

WHEREAS, Midwest Can Company has submitted data generated from each test specified in ARB Test Procedure TP-501, Test Procedure for Determining Integrity of Spill-Proof Spouts and Spill-Proof Systems (July 26, 2006) and ARB Test Procedure TP-502, Test Procedure for Determining Diurnal Emissions from Portable Fuel Containers (July 26, 2006), that demonstrates its PFCs comply with the criteria specified in section 2, of the Certification Procedure;

WHEREAS, Midwest Can Company has submitted information demonstrating that its PFC comply with the requirements of American Society for Testing and Materials Standards (ASTM) F-852-99 (March 10, 1999), and ASTM F-976-02 (May 10, 2002);

WHEREAS, Midwest Can Company has submitted a copy of the warranty language and operating instructions specified in section 2 of the Certification Procedure;

WHEREAS, Midwest Can Company is not participating in the Optional Consumer Acceptance Program for its PFC;

WHEREAS, Midwest Can Company has submitted all of the information specified in section 3 of the Certification Procedure in its application for certification of its PFC;

WHEREAS, Midwest Can Company's application for certification of its PFC has been evaluated, and its PFC have been found to comply with the criteria for the issuance of an executive order;

NOW THEREFORE, pursuant to the authority vested in ARB by sections 39600, 39601, 43013, 43018, and 43101, Health and Safety Code, and pursuant to the

authority vested in the undersigned by sections 39515, and 39516, Health and Safety Code, and Executive Order G-07-002;

IT IS ORDERED AND RESOLVED that the PFC produced by Midwest Can Company as described in its application for certification of said systems are hereby certified to meet the performance standards and administrative requirements applicable to portable fuel containers. Production systems shall be in all material respects the same as those for which certification is granted and shall meet all the certification requirements except for the optional consumer acceptance program.

IT IS FURTHER ORDERED that Midwest Can Company must comply with the administrative requirements specified in title 13, California Code of Regulations sections 2467.5.

IT IS FURTHER ORDERED that any alteration of the components or design of the PFC certified hereby is prohibited and is inconsistent with this certification, unless said alteration has been approved by the Executive Officer or his designee.

IT IS FURTHER ORDERED that Midwest Can Company must supply a copy of the warranty language submitted in its application for certification for its PFC in the packaging of each certified PFC at the time of sale.

IT IS FURTHER ORDERED that Midwest Can Company must supply a copy of the operating instructions for each PFC as submitted in its application for certification in the packaging of each certified PFC at the time of sale.

IT IS FURTHER ORDERED that Midwest Can Company must supply any changes to the warranty language or the operating instructions to the Executive Officer for review and approval at least 30 days prior to implementation.

IT IS FURTHER ORDERED that the Executive Officer may enjoin sales, assess penalties, or revoke or modify this certification as provided in CCR section 2467.9 if the Executive Officer determines that the product available for sale in California does not meet the certification requirements when tested in accordance with the "Certification and Compliance Test Procedures" as provided in CCR section 2467.9.

Executed at Sacramento, California this 15th day of December 2008.

/S/
William V. Loscutoff, Chief
Monitoring and Laboratory Division